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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,380	06/24/2003	Douglas P. Funk	13318.1001	2843

20601 7590 12/20/2004  
SPECKMAN LAW GROUP PLLC  
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SEATTLE, WA 98101

EXAMINER
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SANDY, ROBERT JOHN

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/603,380

Applicant(s)

FUNK, DOUGLAS P.

Examiner

Robert J. Sandy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14, 15, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 13 and 16-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This Office action is responsive to the amendment filed 22 November 2004 (cert. of mail date)

- Claims 1-20 are pending.
- Claim 1 was amended.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12, 14, 15, 19 and 20, are rejected under 35 U.S.C. 102(b) as being anticipated by Wilson et al. (U. S. Patent No. 441,732). Wilson et al. ('732) discloses a device (see Fig. 4) comprising: a body (frame  $h$ ) having a top surface, a bottom surface, and a perimeter, said body provided with at least two apertures ( $h'$ ) positioned laterally on opposite sides of a center of said body, said body further being provided with at least one aperture ( $h^2$ ) positioned near the center of said body, said at least one central aperture comprising at least four sides and forming at least two wedge angles facing each lateral aperture;

(concerning claim 2) the configuration of said perimeter is an irregular curve-shape;

(concerning claim 3) the lateral apertures and central aperture form a longitudinal axis;

(concerning claim 4) the configuration of said lateral apertures is selected from the group consisting of: oval, circular, triangular, square, and rectangular (i.e., the apertures having a substantially rectangular shape);

(concerning claim 5) the top surface (i.e., top surface in plane of drawing sheet as viewed in Fig 4) and said bottom surface are separated by a constant depth (see Fig. 3);

(concerning claim 6) said top surface and said bottom surface (i.e., top and bottom surface of frame shown in Fig. 4 on next page) are separated by a variable depth.

(concerning claim 7) the central aperture comprises four sides of equal length forming the shape of a diamond;

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(concerning claim 8) the central aperture further comprises: two congruent wedge angles opposite each other on a horizontal axis; and two congruent angles opposite each other on a vertical axis;

(concerning claim 9) the congruent wedge angles are from  $50$  to  $110^\circ$ ;

(concerning claim 10) the congruent wedge angles are more than  $10^\circ$  and less than  $95^\circ$ ;

(concerning claim 11) the congruent wedge angles are more than  $15^\circ$  and less than  $80^\circ$ ;

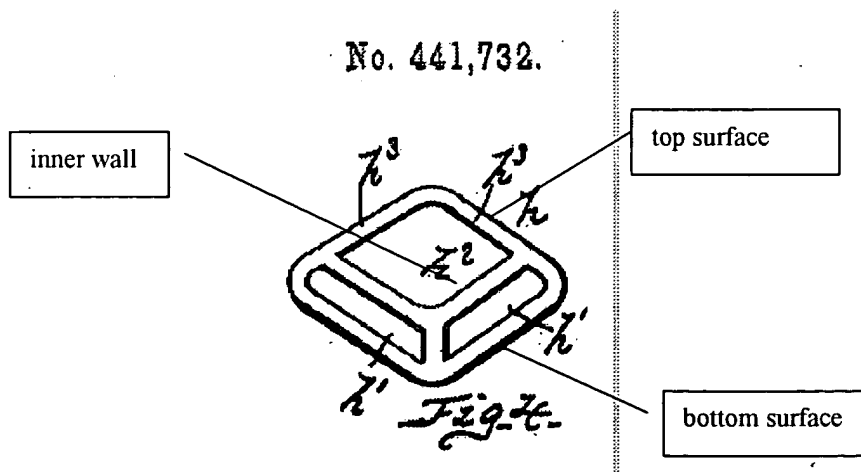
(concerning claim 12) the congruent wedge angles are from  $20^\circ$  to  $60^\circ$ ;

(concerning claim 14) the longitudinal axis is positioned at a same distance from a first edge and a second edge of said body;

(concerning claim 15) the longitudinal axis is positioned at a different distance from said first edge and said second edge of said body;

(concerning claim 19) the central aperture further comprises an inner wall that is perpendicular to said top or bottom surfaces (i.e., top surface in plane of drawing sheet as viewed in Fig 4); and

(concerning claim 20) central aperture further comprises an inner wall (i.e., one of the inner wall surfaces defining the aperture) of the aperture that forms an acute angle with one of the top or bottom surfaces (i.e., top and bottom surface of frame shown in Fig. 4 below)



*Allowable Subject Matter*

Claims 13 and 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Response to Arguments*

Applicant's arguments with respect to claims 1-5, 14, 15, and 19 have been considered but are moot in view.

The objection to the abstract indicated in the prior Office action mailed 20 May 2004 has been withdrawn in view of applicant's amendment to the abstract.

The indication of allowable subject matter indicated in the prior Office action is withdrawn

The rejections to claims 1-5, 14, 15 and 19, under 35 U.S.C. 102(b), and to claim 20 under 35 U.S.C. 103, indicated in the prior Office action have been withdrawn in view of the new ground(s) of rejection necessitated by the filed amendment.

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U. S. Patent No. 1,856,696 (Domkee) shows a securing device.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 703-305-7413. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**ROBERT J. SANDY**  
**PRIMARY EXAMINER**

Robert J. Sandy  
Primary Examiner  
Art Unit 3677